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Technical assistance and capacity-building

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in special consultative status, and International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Yemen: The Failure to Protect*

This statement aims to demonstrate the response of the international community to the Yemeni crisis through the United Nations and assess the impact on the ground. Hereby, we advocate for more effective UN actions to alleviate the suffering and protect civilians. The transition process after the 2014 coup d'état in the Republic of Yemen, led by al-Houthi militia, prompted the fully-fledged civil war that continues to these days. The armed conflict further fuels sectarian divide in the region and destabilises the war-torn Middle East. The Houthi militia are fighting the forces loyal to the government of Abdrabbuh Mansur Hadi. It is clear that the Islamic Republic of Iran provides political, financial and military support to Houthis. The Iranian Quds Forces serve as military advisers, provide with arms and training the Houthi militia. The Saudi-led coalition conducts a multinational military intervention in support of Yemen's exiled President Hadi.

Since January 2017, military operations, including bombing by air and sea, and ground fighting, have intensified along Yemen's western coast. As of 30 April 2017, official sources point to 8,053 conflict related civilian deaths and over 45,000 injuries – figures that are considered to significantly under count the true extent of the casualties, considering the diminished reporting capacity at health facilities and people's difficulties accessing healthcare.1 The number of vulnerable persons in need of humanitarian aid and protection continuously increases: 18.8 million people out of 27.4 million total population of Yemen; half of the population affected by the armed conflict are children under the age of 18 (estimated 9.6 million).2 Humanitarian needs are growing daily in key sectors such as food insecurity, sanitation, water, nutrition, health, shelter and education. Yemeni people are dying of famine and curable deceases.

Grave Breaches of International Law

All parties to the conflict in Yemen are well-aware of the widespread and systematic attacks. Grave violations of the provisions of 1948 Geneva Conventions fulfil the elements of crimes against humanity and war crimes as defined by the Rome Statute of the International Criminal Court. The perpetrators that violate the provisions of international human rights law and international humanitarian law should be brought to justice. The war crimes and crimes against humanity should be investigated in a prompt, thorough and independent manner.

United Nations Response

The Human Rights Council (HRC) has issued numerous press statements to express serious concerns regarding the deteriorating situation, calling for the implementation of unconditional humanitarian pause by all parties. The Council condemned the actions of the various parties on numerous occasions and called for cessation of hostilities. For example, in June of 2011, the Council issued the first press statement expressing grave concern regarding the deteriorating situation and welcomed the mediation efforts by the Gulf Cooperation Council (GCC). In March 2015, it has condemned the Houthi's unilateral actions and reaffirmed its readiness to take further measures. The Council has adopted several presidential statements and regularly received briefings from the head of United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the UN Secretary-General's Special Envoy to Yemen.

In 2015, a resolution by the HRC requested the High Commissioner for Human Rights to provide Yemen with technical assistance in the field of human rights and to assist the national commission of inquiry. The Panel of Experts that monitors compliance with resolution 1737 that imposed sanctions on Iran was also involved, particularly to investigate the 23 January 2013 incident during which the Yemeni coast guard intercepted a ship carrying missiles and rockets allegedly sent by Iran for the purpose of undermining the transition. In October 2011, the Council unanimously adopted a resolution with key elements focusing on the GCC initiative for a transfer of power in Yemen, concern over the activities of Al-Qaida in the Arabian Peninsula and the need for humanitarian assistance. Upon HRC request, the High Commissioner on Human Rights appointed a group of eminent international and regional experts with knowledge of human rights law, and particularly in the context of the conflict in Yemen in December 2017 for a period of at least one year with the mandate to monitor and report on the human rights situation and make recommendations.

1 Periodic Monitoring Review, January – April 2017, Yemen Humanitarian Response Team, UN OCHA, April 2017.
2 2017 Yemen Humanitarian Needs Overview, UN OCHA, November 2016.

Political Solution

The various actions of the UN Security Council have failed to bring the parties to a sustainable political solution and cessation of the internal armed conflict in Yemen. The highlights of the UN Security Council actions in Yemen during the past decade include the resolutions that demanded the Houthis to withdraw from all seized areas and to relinquish all seized arms, an arms embargo on the Houthis and on forces loyal to former president Ali Abdullah Saleh in April 2015, strongly deploring the Houthis' actions to dissolve parliament and to take over government institutions, urging the acceleration of negotiations to reach a consensus solution regarding the political impasse, and deciding on the sanctions against those threatening the peace, security or stability of Yemen under Article 41 of the Charter, i.e. the assets freeze and travel bans, in 2014 and extended in 2015. The Special Envoy to Yemen, Ismael Ould Cheikh Ahmed, facilitated the UN-brokered peace talks. In June 2016, he presented a roadmap that provides for the implementation of resolution 2216 and the establishment of a national unity government, but sides were divided over the "sequencing" of the steps in the roadmap.

Protection of Civilians

The work of the UN staff on the ground is beyond discussion and their efforts are greatly appreciated and valued. However, the measures undertaken by the international community through the United Nations decision-making bodies to address widespread and massive violations of international humanitarian law and international human rights law perpetrated in Yemen for more than a decade are widely ineffective. The statistics compiled by UNOCHA estimates the gap in protection of civilians at the rate of 93%, which means only 7% of targeted vulnerable groups were reached.

Humanitarian Access

In terms of humanitarian access and assistance, the overall picture of the impact is disappointing. The UN calls for humanitarian pause, which is defined as "cessation of hostilities negotiated purely for humanitarian purposes", were often neglected. The humanitarian pause allows civilians trapped in zones of conflict either to flee or access assistance as well as humanitarian aid workers to provide basics as food, water and medicines. Under international humanitarian law, all parties have the responsibility to ensure humanitarian access and safety of humanitarian aid workers.

International Contributions to the Humanitarian Response

As of August 2017, only 39% of the humanitarian appeal for 2.3 billion USD, in response to the Yemeni crisis is funded. The main contributors are the US, UK, Germany, European Commission and World Bank. The Yemen Humanitarian Response Team estimates the need for financial support to provide food for 17 million people and aid to 2.9 million of internally displaced persons. United Nations Security Council (UNSC) regularly encourages member states to provide contributions to the humanitarian response in Yemen. However, the situation in reality speaks loud and clear. Less than half of the humanitarian budget is covered, and less than 10% of individuals in need are reached. The overall picture becomes even darker in comparison with the military expenses of the UN member states involved in the armed conflict of Yemen.

RECOMMENDATIONS

- Parties to the conflict should engage in serious negotiations to end hostilities and ensure compliance with international humanitarian law, particularly on protection of civilians and civilian objects;
- UN member states should comply with and fully implement the UNSC resolutions regarding the situation in Yemen, and should increase contributions to the humanitarian response;
- Wealthy countries should scale up resettlement and humanitarian admission programmes to ensure that at least 5% of refugees are able to access protection;
- Donors should support international aid agencies to rebuild the capacity of Yemeni NGOs, while also increasing funding to support Yemeni refugees in neighbouring countries.

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*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussells Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for

Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.